

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Melanie Kemmerlin,

Plaintiff,

vs.

Saint Matthews Ambulance Service, LLC,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

1. Defendant Saint Matthews Ambulance Service, LLC files this Notice of Removal of the above-entitled action from the Court of Common Pleas of Calhoun County, South Carolina, to the United States District Court for the District of South Carolina, Orangeburg Division, pursuant to 28 U.S.C. § 1441 (c) .

2. Plaintiff instituted the above-titled action against the Defendant by the service of a Summons and Complaint filed on July 2, 2015. Defendant, through its counsel, accepted service on July 17, 2015. The action is currently pending in the Court of Common Pleas for Calhoun County, South Carolina, Case No. 2015-CP-09-0116. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint is attached hereto.

3. This Court has jurisdiction over this action and removal is allowable pursuant to 28 U.S.C. § 1441 (c). Plaintiff could have originally filed this action in this Court pursuant to 28 U.S.C. § 1331 insofar as Plaintiff's Complaint asserts claims that arise under the laws of the United States, to wit: claims for gender discrimination in violation of Title VII of the Civil Rights Act of 1964, disability discrimination in violation of the Americans with Disabilities Act

(ADA), and violation of the Family Medical Leave Act (FMLA).

4. Plaintiff's Complaint alleges that she suffered various forms of employment discrimination related to her pregnancy and attendant physical restrictions that occurred in latter 2013. Specifically, Plaintiff alleges that, after notifying Defendant of her pregnancy in late-2013, Defendant failed and refused to accommodate her lifting limitation, it failed and refused to assign her light duties, and it reduced her hours. *See* Complaint at ¶¶ 8 and 10. Plaintiff alleges damages as a result of the incident, including economic losses, mental anguish and anxiety. *See* Complaint at ¶ 17.

6. Therefore, based upon the allegations of Plaintiff's Complaint, this action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1331.

7. Defendant hereby gives counsel for the Plaintiff written notice of the removal of this action and will provide a copy of the Notice of Removal to the Clerk of Court for Calhoun County, as required by 28 U.S.C. § 1446(d).

8. Defendant files this Notice of Removal within thirty (30) days of the receipt of Plaintiff's Complaint in the state court action, which was the first pleading received by Defendant setting forth the claims for relief upon which this action is based.

WHEREFORE, Defendant respectfully submits this Notice of Removal of the state court action to this Honorable Court this 12th day of August, 2015.

(SIGNATURE PAGE FOLLOWS)

S/Amy L. Gaffney

Amy L. Gaffney, D.C.I.D. 6316

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August 12th, 2015

Columbia, South Carolina